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REMARKS

Claims 3-4, 10-11, 13, 18, 21, 24-34, 37-43, and 73 were previously presented. Claims 1, 8, 14, 20, and 36 are currently amended. Claims 2, 5-7, 12, 15-17, 19, 22-23, 35, and 44-72 are withdrawn. Claim 9 is canceled. New claim 74 is added. Accordingly, claims 1, 3-4, 8, 10-11, 13-14, 18, and 20-21, 24-34, 36-43, and 73 are pending examination.

Withdrawn claims 35-41

The Office Action notes that claims 36-41 improperly depends from withdrawn claim 35. The Applicant has amended these claims so each claim depends directly or indirectly from claim 1. As a result, these claims now have the status identifier "previously presented."

Objections to Claims

Claims 36-41 are objected to because the status identifier was incorrect, and has been corrected.

Rejection of Claims Under 35 USC §112

Claims 14 and 73 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement because "the original disclosure does not disclose that R₄₀ is an organic spacer including an oxygen linked directly to silicon on the backbone of the polysiloxane.

However, paragraph [0026] of the specification provides the following:

One or more of the silicons in the polysiloxane backbone can be linked to one or more side chains that include a poly(alkylene oxide) moiety. ... (A) spacer can be positioned between the backbone silicons and the poly(alkylene oxide) moiety. In some instances, the spacers include an oxygen linked to the backbone silicons or the spacers include a carbon linked to the backbone silicons.

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As a result, this paragraph teaches that a “spacer ... between the backbone silicons and the poly(alkylene oxide) moiety” can “include an oxygen linked to the backbone silicons.” Since R40 represents a “spacer ... between the backbone silicons and the poly(alkylene oxide) moiety,” this paragraph teaches that R40 can “include an oxygen linked to the backbone silicons.”

Further, originally filed claim 13 recites that “R₄₀, are an organic spacer.” Originally filed claim 14 adds that the organic spacer includes an oxygen linked to a silicon on the backbone of the polysiloxane. As a result, paragraph 26 and originally filed claim 14 establish that the Applicant was in possession of a polysiloxane constructed according to Formula I-d where R40 represents a spacer with an oxygen linked to a silicon on the backbone of the polysiloxane.

Rejection of Claim 1 Under 35 USC §102(b)

Claim 1 stands rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,447,952 (Spiegel).

The Office Action cites C4, L55 of Spiegel as teaching the recited silane. However, the C4, L55 silane is reacted with a polysiloxane and accordingly becomes incorporated into that polysiloxane. In order to see this, note that the C4, L55 citation classifies the silane as a modifying agent. Spiegel defines modifying agents as follows:

"Modification agent" is a generic term for a chemical reagent that functions as a polymer chain extender or crosslinker. In general any reagent that can extend the chain of or crosslink a polysiloxane is included in this term. Preferably modification agents are silanes carrying reactive groups that function for chain-extension or crosslinking.

This teaching can also be found at several other locations in Spiegel.

Claim 1 is amended to recite that “the silane and the polysiloxane (are) included in different compounds.” Since the C4, L55 silane of Spiegel become incorporated into Spiegel’s polysiloxane and the C4, L55 silane are not “included in different compounds” as is claimed.

Additionally, claim 1 is amended to recite that “the silane includ(es) at least one substituent that includes a poly(alkylene oxide) moiety.” Spiegel does not teach or

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suggest a silane that is in a different compound from the polysiloxane and that includes at least one substituent having a poly(alkylene oxide) moiety. As a result, Speigel does not teach or suggest every element of the claims.

Rejection of claims 3-4, 8, 10-11, 13-14, 18, and 20-21, 24-34, 36-43, and 73

Claims 3-4, 8, 10-11, 13-14, 18, and 20-21, 24-34, 36-43, and 73 each depends directly or indirectly from independent claim 1. Since independent claim 1 is believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

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CONCLUSION

The Examiner is encouraged to telephone or e-mail the undersigned with any questions.



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